

Bismiallah Ir-Rahman Ir-Raheem

FILED
U.S. DISTRICT COURT
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

2002 MAR 25 PM 2:34

ABDUL KHALIQ
MUSTAFA MUHAMMAD

Plaintiff

VS.

JOHN E. POTTER,
POSTMASTER GENERAL
United States Postal Service
Defendant

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CIVIL CASE: WMN - 01-2078

**Request to file Sur-Reply to Defense Reply to Plaintiff's Motion for Summary
Judgment in Opposition to Defense Motion to Dismiss**

Pursuant to Rule 105 (2) (a) Federal Rules of Civil Procedure the Plaintiff,
respectfully ask the honorable court for leave to file a Sur-Reply to the Defense Reply to
the Plaintiff Motion for Summary Judgment in opposition to Defense Motion to Dismiss.

28/102
" GRANTED " THIS 25th DAY
OF March, 20 02
UNITED STATES DISTRICT JUDGE

Memorandum in Support of Request to File Sur-Reply


This action is brought by Abdul Khaliq Mustafa Muhammad (formerly known as Brian K. Ransom) (hereinafter “the Plaintiff) against his former employer, the United States Postal Service (hereinafter “the defendant”) pursuant to Title VII of the Civil Rights Act of 1964, the American With Disabilities Act of 1990 and the Rehabilitation Act of 1973. The defendant discriminated against the Plaintiff based on his disability when the Plaintiff was terminated from employment on February 18, 1999, and when the defendant failed to provide the Plaintiff with a reasonable accommodation for a work-related injury suffered on June 2, 1994. The defense filed a reply to the plaintiff’s Motion for Summary Judgment.

The defense reply inferred that the Plaintiff’s Motion did not change anything, however the Plaintiff would ask the court for leave to file a Sur-Reply to Defense Reply to Plaintiff’s Motion for Summary Judgment Pursuant to Rule 105 (2) (a) Federal Rules of Civil Procedure, because the Plaintiff” wants to establish the fact that he is a Disabled Veteran. Accordingly, Title VII SEC. 2000e-11 [Section 712] states, “Nothing contained in this subchapter shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference to veterans. Therefore, the plaintiff moves to have the court consider his request in light of Title VII SEC. 2000e-11 [Section 712].

And to make known to the defense that the plaintiff pursuant to Title 42 Ch 21, Sub Ch. VI [Sectione-16] is exercising his appeal rights to sue the defendant within the ninety-day period as it is outlined in Title 42 Ch 21, Sub Ch. VI [Sectione-16], therefore the plaintiff is following the administrative process as stated in his appeal rights.

Bismillah Ir-Rahman Ir-Raheem

Respectfully submitted,


Abdul Khaliq Mustafa Muhammad
7117 D Rolling Bend Road
Baltimore, Maryland 21244
410-298-4001

Bismillah Ir-Rahman Ir-Raheem

ABDUL KHALIQ
MUSTAFA MUHAMMAD

Plaintiff

VS.


JOHN E. POTTER,
POSTMASTER GENERAL
United States Postal Service
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CERTIFICATE OF CONFERENCE

Pursuant to Rule 104 of Federal Rules of Civil Procedure, the Plaintiff contacted the attorney for the defense namely Jamie Bennett, Assistant US Attorney and a conference was held on March 15, 2002 at 11:14 a.m.. Jamie Bennett, Assistant US Attorney for the defense does not object to the filing of the Plaintiff's Request to file a Sur-Reply to Defense Reply to the Plaintiff's Motion for Summary Judgment.

Respectfully submitted,


Abdul Khaliq Mustafa Muhammad
7117 D Rolling Bend Road
Baltimore, Maryland 21244
410-298-4001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of March, 2002, a copy of the foregoing Plaintiff's Request to file Sir-Reply to Defendants Reply to Plaintiff's Opposition Motion for Summary Judgment was mailed to Thomas M. DiBiagio, United States Attorney, 6625 United States Courthouse, 101 West Lombard Street Baltimore, Maryland 21201-2692